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Attorney for Defendant Patrick Elliot Pearson

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                   ) No. 2:19-CR-0111-WFN-3  
vs.                            )  
                                )  
PATRICK ELLIOT PEARSON, et al. , ) DEFENDANT'S  
                                )  
Defendant.                   ) SENTENCING MEMORANDUM  
                                )

COMES NOW Defendant PATRICK PEARSON by and through his attorney of record, David R. Partovi, and submits the following Sentencing Memorandum.

## **BACKGROUND AND SUMMARY**

Patrick Elliot Pearson was raised on instability and substance-induced violence. His upbringing is a familiar story when discussing such counts of conviction, but Patrick Pearson did not set out conspire with a drug dealer. Mr. Pearson set out to be what he had been since his early 20's, an automotive mechanic. When he and Mr. Farias-Cardenas became involved, it was in support of Mr. Farias-Cardenas' business of

1 buying cars at auction, fixing them up and re-selling them. Mr. Farias-Cardenas held a  
2 license to buy those cars and Mr. Pearson possessed the skill and experience to repair  
3 them for resale.  
4

5 At Mr. Farias-Cardenas' expense, Mr. Pearson lived in a trailer behind a fully  
6 functional auto mechanic shop where he worked as an auto mechanic. Mr. Farias-  
7 Cardenas was also distributing controlled substances that he had access to through his  
8 family connections. Mr. Pearson did what Mr. Farias-Cardenas directed him to do in  
9 furtherance of that distribution scheme, but Mr. Pearson did everything Mr. Farias-  
10 Cardenas directed him to do. This included mowing his lawn, picking his children up  
11 from school and many other sundry tasks. Distribution of drugs was not Mr. Pearson's  
12 primary role, but it was a significant part of Mr. Farias-Cardenas' business and Mr.  
13 Pearson was thus involved. As is true in many federal drug distribution conspiracies,  
14 Mr. Pearson was surprised that he could be held responsible for the weight of substances  
15 that others like Joshua Stine and his down line distributors were moving. Similarly, Mr.  
16 Pearson could not understand how he could be held responsible for the weight  
17 distributed by Mr. Farias-Cardenas' uncles. But relevant conduct casts a wide net.  
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20 **MAINTAINANCE OF THE MAE VALLEY PREMISES**  
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23 As is discussed in Mr. Person's first objection to the presentence investigation  
24 report, he did not maintain the Mae Valley premises for the purpose of drug distribution.  
25 As is outlined in the guideline analysis in the objections, Mr. Pearson did not own  
26

1 anything significant on that property. He did not pay rent or control access to the  
2 property. No drugs were stored there beyond personal use. No drugs were manufactured  
3 or even re-packaged there. Nobody came to that location to buy or sell drugs. Mae  
4 Valley was maintained entirely by Mr. Farias-Cardenas and he controlled who was  
5 permitted to go there and what business was conducted there. Although it was provided  
6 to Mr. Pearson and Ms. Dygert as a residence, its primary purpose was storing and  
7 repairing automobiles for Mr. Farias-Cardenas to resell.

10 **ACCEPTANCE OF RESPONSIBILITY**

11 Mr. Pearson accepted responsibility for his conduct, if not the weight attributed  
12 to him at trial, but he did so *outside* of the courtroom. His only options for resolving  
13 this case short of a trial would have put him in prison for so long that *if he ever got out*  
14 it would only make him a burden on any family he still had. He had no incentive  
15 whatsoever to waive any of his rights or to accept responsibility *inside* the courtroom.  
16 His way of accepting responsibility while preserving his rights and managing his  
17 incentives was to stipulate away many of the evidentiary responsibilities the  
18 government would otherwise have had to take on. Those stipulations were extensive  
19 and they were truly Mr. Pearson's choices. Counsel never suggested he should or should  
20 not enter into them, only what the consequences would have been either way. Mr.  
21 Pearson chose to make the government's job significantly easier, while still maintaining  
22 his rights. Although this is not clearly within the guideline provisions of USSG §3E1.1

1 or Note 2, the Court is urged to consider it as a factor under 18 USC 3553(a) in  
2 determining what sentence is sufficient but not greater than necessary to accomplish the  
3 goals of sentencing this 49-year-old.  
4

5 **PRISON TATOOS AND AFFILIATIONS**

6 It is important to Mr. Pearson that the Court be fully informed as to his  
7 sociopolitical beliefs as they related to his prison tattoos and the concepts raised by his  
8 jail cellmate at trial. Mr. Pearson is proud of his heritage and while in prison needed to  
9 affiliate himself with his racial group. There is an important distinction in that affiliation  
10 between white pride and racism. Honest debate should be distinguished from race-  
11 baiting. If it is, there has long been a clear distinction between pride and hate. Mr.  
12 Pearson is proud of his white heritage and thinks others should be proud of their  
13 heritage, regardless of skin tone. That distinction can be, and increasingly is, blurred.  
14 Mr. Pearson wants the Court to know that his affiliations, his tattoos and his philosophy  
15 has been and continues to be one of pride, not hate.  
16  
17

18 **SENTENCING RECOMMENDATION**

19 The Court's sentence in this matter will almost certainly have Mr. Pearson  
20 spending the rest of his life in prison. If he is sentenced to the low end of the guideline  
21 suggested by the probation department, 30 years, it will take him just past the CDC's  
22 life expectancy tables from 2018 give or take earned release. See  
23  
24 [www.cdc.gov/nchs/data/nvsr/nvsr70/nvsr70-1-508.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr70/nvsr70-1-508.pdf) at page 3.  
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If, as is suggested in Mr. Pearson's objections to the PSIR at page 5, the Court were to accept a guideline range of 324-405 it would shave only 3 years off of his sentence at the low end. Given Mr. Pearson's specific health history, it is likely a moot point.

Thus, consistent with the arguments outlined in Mr. Pearson's objections it is respectfully submitted that a sentence of 324 months is sufficient and not greater than necessary to accomplish the goals of sentencing outlined in 18 USC §3553(a).

#### **WHY THE COURT SHOULD FOLLOW THIS RECOMMENDATION**

In anticipation of this argument, I asked myself why the Court should follow this recommendation. In asking that question I asked myself if I would follow this recommendation. In asking that question, I sought to put myself in Mr. Pearson's position. I realized I could not. I was raised in stability by a loving family that was together when they were not working hard to provide for me. In turn, I am raising my children in stability in a loving family that is together when it is not working hard to provide for them. I was not and my children are not raised in a manner described in paragraphs 309-311 of the PSIR. Reading the Court's Wikipedia page I see a judicial officer born in Seattle, earning a bachelor's degree from the University of Washington before serving as a USAF First Lieutenant before a life in the law and US Courts. I can only surmise that the Court was not raised as is described in paragraphs 309-311 of the PSIR.

This is not to suggest that the Court is not ideally placed to sentence Mr. Pearson. It is only suggested to bring us all back to who we are and remember that it is a significant stretch for any of us to honestly sit in judgment of this very different human. 324 vs. 360 vs. Life. Why is any one of these any different from the other for Patrick Pearson? Each is sufficient, but two are greater than necessary.

**DATED** this 18<sup>th</sup> day of November 2021.

/s/ David R. Partovi

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DAVID R. PARTOVI, WSBA #30611  
Attorney for Patrick Pearson

## CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the documents to the following non-CM/ECF participant(s):

Caitlin Baunsgard  
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/s/ David R. Partovi  
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